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Comment on MB Docket No. 07-57, re: Sirius/XM Proposed Merger

Typical Business Assets

I support allowing the respective XM and Sirius satellite radio business operations to merge. The respective companies have created a uniquely portable audio distribution service for prospective consumers, which has not had enough time to prove itself in maturity. Merging business assets is a common practice throughout the free-enterprise system of the United States to create a more efficient, profitable, customer-responsive entity. Within the limits of fair trade practice, government should never try to replace a business judgment in such matters when the parties and common sense have determined their separate survival is in jeopardy.

FCC Satellite Licenses

If the developers of satellite radio services were smart, there should be any number of options available, now, to migrate services into a single orbital slot. If this cannot be done, it is a statement about how the FCC's policy of letting the marketplace dictate technical standards fails to serve the public interest, necessity and convenience and those consumers who have bought the 'wrong' subscription will ever remember 'caveat emptor'.

After a reasonable transition period, the second orbital slot must be made available to a competitor. If its desire is to acquire the hardware in orbit, the new XM-Sirius entity should be allowed to sell it. If a new licensee declares it does not want the hardware, such is what happens when government and business do not agree on technical standards and it becomes so much a shooting star when de-orbited. XM and Sirius knew the rules going in to the game and cannot expect to be held harmless and whole from its bad decisions in the boardroom.

Sincerely,

Richard J. Boekeloo